

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

WAYNE L. BIGELOW,

Plaintiff,

v.

NANCY A. BERRYHILL, ACTING
COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION;

No. 4:18-00624-CV-RK

Defendant.

**ORDER GRANTING PLAINTIFF’S APPLICATION FOR ATTORNEY
FEES UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Now pending before the Court is Plaintiff’s Application for Attorney Fees under the Equal Access to Justice Act (“EAJA”) (Doc. 15.) Defendant has no objection to Plaintiff’s request for attorney fees (Doc. 17.)

Under the EAJA, a prevailing party in an action brought against the United States shall be awarded attorney fees unless the position of the United States was “substantially justified” or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(a). Plaintiff was a prevailing party in this action and an award is appropriate. Plaintiff has also requested, and Defendant agrees, that Plaintiff be compensated for the filing fee of \$400.00. Accordingly, it is ORDERED that Plaintiff is awarded attorney’s fees in the amount of \$6,440.80, to be paid by the Social Security Administration, and costs of \$400.00 to be paid from the Judgment Fund administered by the United States Treasury.

It is further ORDERED that the above award is subject to offset to satisfy any pre-existing debt Plaintiff may owe to the United States.

IT IS SO ORDERED.

s/ Roseann A. Ketchmark
ROSEANN A. KETCHMARK, JUDGE
UNITED STATES DISTRICT COURT

DATED: February 25, 2020